

## **NEW LAWS OF 2012**

### **PUBLIC CHAPTER NO. 707**

SENATE BILL NO. 2961

By Yager, Overbey

Substituted for: House Bill No. 3254

By Haynes

AN ACT to amend Tennessee Code Annotated, Section 66-24-115, relative to registration of instruments.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 66-24-115(a)(1), is amended by deleting the language "on the face of the first page thereof" and substituting instead the language "within the instrument".

SECTION 2. Tennessee Code Annotated, Section 66-24-115(b), is amended by deleting the subsection in its entirety and redesignating subsequent subsections accordingly.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Effective Date: 4/11/2012

### **PUBLIC CHAPTER NO. 735**

HOUSE BILL NO. 2468

By Representative Carr

Substituted for: Senate Bill No. 2550

By Senator Ketron

AN ACT to amend Tennessee Code Annotated, Title 8 Chapter 13, relative to registers.

BE IN ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-13-108(f), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(f) In any county having a population in excess of eight hundred ninety thousand (890,000), according to the 2000 federal census or any subsequent federal census, or any county in which the register receives endorsement from the existing county records commission or county executive, the register may assume the functions and duties of the microfilm, public records or archives departments, or any of these, as established by the county commission.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Effective Date: 4/16/2012

### **PUBLIC CHAPTER NO 792**

HOUSE BILL NO. 3255

By Representative Haynes

Substituted for: Senate Bill No. 2962

By Senator Yager

AN ACT to amend Tennessee Code Annotated, Section 67-4-409, relative to real estate transfer and mortgage tax.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-4-409(a), is amended by deleting the language "or major fraction thereof".

SECTION 2. Tennessee Code Annotated, Section 67-4-409(b), is amended by deleting the language "or major fraction thereof."

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Effective Date: 4/23/2012

**NEW LAWS OF 2011**

**PUBLIC CHAPTER NO. 399**

SENATE BILL NO. 389

By Kelsey

Substituted for: House Bill No. 948

By Lollar, Coley, Hardaway, Camper

AN ACT to amend Tennessee Code Annotated, Title 39 and Title 66, relative to drawing of deeds without actual ownership.

BE IN ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

**39-17-116** SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 1, is amended by adding the following new, appropriately designated section thereto:

(a)(1) It is an offense of any person to knowingly cause to be prepared, sign, or file records of any property transfer document when the transferor, grantor, or person applying for registration knows or should know by an examination of the public records, that the transferor or grantor has no legal nor equitable interest to convey, or when there is no reasonable basis for assumption that the transferor or grantor has any interest in the property.

(2) As used in this subsection (a), "person" includes any individual, corporation, firm, company, partnership, or association.

(b) Upon a final conviction for an offense pursuant to this section, any court having or exercising circuit court jurisdiction may order the filing of an order of said court declaring the offending transfer document or documents to be void and of no legal effect and removing any cloud on the title that may have arisen because of said documents.

(c) This statute shall not be applicable to any licensed attorney who, in good faith, prepares such a transfer document in the course of representation of a client.

(d) A violation of subsection (a) shall be a Class A misdemeanor.

SECTION 2. Tennessee Code Annotated, Section **66-3-104**, is amended by designating the existing language as subsection (a) and adding the following language as a new subsection (b):

(b) Any person who transfers or applies for recordation of any transfer of land by execution of either a general warranty deed or quitclaim deed, or any other devise, with knowledge that the transferor or grantor has no legal nor equitable interest to convey such land commits a Class A misdemeanor.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Effective Date: 6/6/2011